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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,778	04/02/2004	Gunter Schwesig	SCHWESIG-3	9973
20151	7590	03/24/2005	EXAMINER	
HENRY M FEIEREISEN, LLC 350 FIFTH AVENUE SUITE 4714 NEW YORK, NY 10118			VON BUHR, MARIA N	
			ART UNIT	PAPER NUMBER
			2125	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,778

Applicant(s)

SCHWESIG, GUNTER

Examiner

Maria N. Von Buhr

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6 is/are rejected.
- 7) ☒ Claim(s) 5, 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04022004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-8 are pending in this application.
2. Receipt is acknowledged of papers submitted under 35 U.S.C. §119(a)-(d), which papers have been placed of record in the file.
3. Examiner acknowledges receipt of Applicant's information disclosure statement, received 02 April 2004, with accompanying reference copies, which have been taken into consideration for this Office action.
4. The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 are rejected under 35 U.S.C. §103(a) as being unpatentable over Simonich et al. (U.S. Patent No. 6,301,665), in view of Samberg (U.S. Patent No. 4,023,139) or Halter et al. (U.S. Patent No. 5,319,705), further in view of Keil (U.S. Patent No. 3,725,877) or Higgins (U.S. Patent No. 3,847,262).

As per the claims, Simonich et al. teach "security and personal computer systems, and more particularly a method for extending computer security features to devices having Plug and Play capabilities," including "comparator logic coupled to the memory slot and the register, the comparator logic asserting an enable signal if the user key information matches the password, wherein the security logic is enabled/disabled in response to the enable signal" (claim 9). However, Simonich et al. do not teach that (1) the enable signal is checked for errors, nor (2) the keyboard is implemented using "safe technology."

In this regard, both Samburg and Halter et al. teach error checking of signals in a security environment, before allowing operation responsive thereto (see at least, the abstract of Samburg; the abstract and Fig. 12, with accompanying text, of Halter et al.). It would have been obvious, to one having ordinary skill in the art, at the time the instant invention was made, to utilize such error checking in the system Simonich et al., because both Samburg and Halter et al. teach a resultant increase in reliability.

Further in this regard, both Keil and Higgins teach using “safe technology,” defined in the instant specification as redundant input of data from a keyboard (see at least, col. 6, lines 15-42 of Keil; claims 4, 8, 26 and 30 of Higgins). It would have been obvious, to one having ordinary skill in the art, at the time the instant invention was made, to utilize such “safe technology” in the system of Simonich et al., because both Keil and Higgins teach a resultant increase in reliability.

6. Claims 4 and 6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Simonich et al. (U.S. Patent No. 6,301,665), in view of Samberg (U.S. Patent No. 4,023,139) or Halter et al. (U.S. Patent No. 5,319,705), further in view of Keil (U.S. Patent No. 3,725,877) or Higgins (U.S. Patent No. 3,847,262), as applied to claim 2 above, further in view of Applicant’s admitted prior art (Figs. 1-2, with accompanying text at pages 2-4, of the instant specification), wherein Applicant admits the well-known use of a “key authentication switch,” with inherent characteristics, for authenticating a user. It would have been obvious, to one having ordinary skill in the art, at the time the instant invention was made, to utilize such a well-known security feature in the system of Simonich et al., because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

7. Claims 5, 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is an examiner’s statement of reasons for allowance:

None of the prior art of record, neither alone nor in combination, is deemed to fairly teach and/or suggest, the instantly claimed “wherein the key authentication switch comprises a two-step key authentication switch” (claim 5), as supported by the instant specification, when taken in combination with the other elements of the instantly claimed invention.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

9. The prior art made of record and not relied upon is considered pertinent to Applicant’s disclosure. Applicant is advised to carefully review the cited art, as evidence of the state of the art, in preparation for responding to this Office action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria N. Von Buhr whose telephone number is 571-272-3755. The examiner can normally be reached on M-F (9am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Maria N. Von Buhr
Primary Patent Examiner
Art Unit 2125

MNVB
3/21/05